

**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

In The Matter Of:

**CENTURY MORTGAGE, INC.,
RONALD BURGER, DESIGNATED
BROKER AND OWNER, DALE SAGE
GIBBONS, OWNER, DWAIN R.
KLEIN, OWNER, GENE ARTHUR
TAYLOR, MICHAEL DEASY, CURTIS
ORVICK, JON WEBB, SCOTT
TOLLEFSON, DAVID BURGER, AND
MARK HODGE,**

**NO. C-02-285-03-CO06
OAH Case No. 2002-DFI-0006**

**CONSENT ORDER
BETWEEN THE DEPARTMENT AND
RONALD BURGER**

Respondents.

COMES NOW the Acting Director, Division of Consumer Services, Department of Financial Institutions, (Acting Director), Chuck Cross and Ronald Burger (hereinafter referred to as "Respondent Ronald Burger") and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Ronald Burger have agreed upon a basis for resolution of the matters alleged in Statement of Charges and Notice of Intention to Enter an Order To Revoke License, Prohibit from Participation in Industry and Assess Monetary Penalties ("Statement of Charges") No. C-02-285-02-SC04 issued August 26, 2002 (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act,

Respondent Ronald Burger, hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it relates to Respondent Ronald Burger and agree that Respondent Ronald Burger does not admit any wrongdoing by its entry. Respondent Ronald Burger is agreeing not to contest said Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

A. Jurisdiction. It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

B. Consent to Be Bound By Order. It is AGREED that the parties shall be bound by the terms and conditions of this Consent Order as set forth herein.

C. Waiver of Hearing. It is AGREED that Respondent Ronald Burger has been informed of his right to a hearing before an administrative law judge, and that he has waived same right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, immediately upon receipt of a conformed copy of this Consent Order, Respondent Ronald Burger agrees to dismiss his appeal and to inform the Office of Administrative Hearings in writing of his dismissal.

D. Non-Compliance with Order. It is AGREED that Respondent Ronald Burger understands that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of such legal action, Respondent Ronald Burger may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

E. Prohibition from Industry. It is AGREED that upon entry of this Consent Order Respondent Ronald Burger shall be prohibited from participation in the conduct of the affairs of any mortgage broker licensed in Washington for twenty-five (25) years in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, employee, or loan originator. Respondent Ronald Burger FURTHER AGREES to refrain from participation in the conduct of the affairs of any mortgage broker exempt under Washington law under RCW 19.146.0201(1)(d) or (f) for twenty-five (25) years in any capacity.

F. Application for License. It is AGREED that upon entry of this Consent Order Respondent Ronald Burger shall refrain from applying for any license issued by the Department under any name from the Department for a period of twenty-five (25) years.

G. Restitution to Injured Consumers. It is AGREED that Respondent Ronald Burger within one (1) year from the date of entry of this Consent Order shall make restitution to the following consumers in the amounts specified, which represents one-half of the total amount of restitution shown in the Statement of Charges:

1. Sherene Thomas	\$2,525.00
2. Robert Ryan	\$2,000.00
3. Grandin Smith	\$2,010.16
4. Steven Sanderson	\$7,262.50
5. Carroll Lindsey	\$ 792.00
6. Sandra DeWitt	\$1,449.20

Respondent Ronald Burger, as soon as available from his respective financial institution, shall provide the Department with written proof of such payment. If restitution cannot be made to any particular consumer, such as due to the inability to locate a consumer, Respondent Ronald Burger, within fifteen months (15) of the entry of this Consent Order shall take the necessary steps to escheat such funds to the state. Respondent Ronald Burger, as soon as available from his respective financial institution, shall provide the Department with written proof of such action. The “written proof” at a minimum must consist of copies of the front and back of cancelled checks.

H. Investigation and Examination Fees. It is AGREED that Respondent Ronald Burger shall pay within one-year of the entry of this Consent Order an examination fee of \$17,685.00, calculated at \$45.00 per hour for 393 staff hours devoted to the investigation. Payment shall be made in the form of a cashiers check made payable to the “Washington State Treasurer.”

I. Complete Cooperation with the Department (statements). It is AGREED that upon entry of this Consent Order Respondent Ronald Burger shall provide the Department truthful and complete sworn statements outlining his activities with respect to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. The “sworn statements” may take the form of affidavits, declarations, or deposition testimony, at the Department’s discretion.

J. Fine. It is AGREED that, should Respondent Ronald Burger apply to the Department for any license at any time after twenty-five (25) years from the date of entry of this Consent Order, Respondent Ronald Burger shall pay to the Department a fine of \$50,000.

K. Complete Cooperation with the Department. It is AGREED that upon entry of this Consent Order Respondent Ronald Burger shall cooperate fully, truthfully and completely with the

CONSENT ORDER - RESPONDENT RONALD BURGER PAGE 4 OF 4

Department and provide any and all information known to him relating in any manner to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. It is further AGREED that Respondent Ronald Burger provide any and all documents, writings or materials, or objects or things of any kind in his possession or under his care, custody, or control relating directly or indirectly to all areas of inquiry and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondent Ronald Burger testify fully, truthfully and completely at any proceeding related to the Department's investigation and enforcement actions related to this matter, including, but not limited to Century Mortgage, Inc. and the named Respondents.

L. Authority to Execute Order. It is AGREED that the undersigned has represented and warranted that he has the full power and right to execute this Consent Order on behalf of the party represented.

M. Voluntarily Entered. It is AGREED that the undersigned Respondent Ronald Burger has voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

N. Completely Read, Understood, and Agreed. It is AGREED that Respondent Ronald Burger has read this Consent Order in its entirety and fully understands and agrees to all of the same.

RONALD BURGER	DATE	<u>/s/</u> <u>02/23/2004</u>
CONSENT ORDER - RESPONDENT RONALD BURGER PAGE 5 OF 5		

BEVAN MAXEY
Attorney at Law
Attorney for Respondent Ronald Burger

DATE /s/
02/23/2004

IT IS SO ORDERED.

Dated and Entered this 24th day of February, 2004.

/s/
CHUCK CROSS, Acting Director
Division of Consumer Services
Department of Financial Institutions